

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, Steve M. Ellert, by counsel, Samuel L. Bolinger and files his complaint for damages, against General Motors Company, LLC, Fort Wayne Assembly Truck Group, and alleges and states:

1. This is a complaint for damages, for gender discrimination, pursuant to the Civil Rights Act of 1964, as amended, and Title VII.
2. Plaintiff is an adult male resident of New Haven, Allen County, Indiana, and at all relevant times, herein, was an employee of Defendant, General Motors Company, LLC, Fort Wayne Assembly Truck Group, (GMC), in Roanoke, Indiana, and at all relevant times, was the employer of the Plaintiff.
3. Defendant is engaged in the manufacturing and assembly of motor vehicles and does so at the above state address and employs 500 or more in each calendar year and previous years and is engaged in interstate commerce.
4. Plaintiff filed a charge of gender discrimination with the Fort Wayne Metropolitan

Human Relations Commission (METRO) on or about September 27, 2019, which a copy is attached and marked as Exhibit A.

5. Plaintiff received a Notice of Right to Sue from the Equal Employment Opportunity Commission on or about October 15, 2019, which a copy is attached and marked as Exhibit B.
6. This complaint is timely filed.
7. Plaintiff further states that:
 - a. He is a qualified individual who worked for Defendant as an operator from march, 1999 until termination on August 7, 2019;
 - b. Defendant established a “Zero Tolerance” policy in January, 2019;
 - c. Plaintiff’s team leader Dawn Feeney (Feeney) has called Plaintiff a “horse crack” and said Plaintiff looks like he was pregnant with a beer belly. This called multiple times, with the most recent incident occurring in July of 2019;
 - d. Plaintiff complained about the comments, and Feeney was never disciplined or terminated for those comments;
 - e. On August 4, 2019, Plaintiff showed his co-workers of his children and family;
 - f. Plaintiff was accused of making statements about his son masturbating and sharing in appropriate pictures;
 - g. Plaintiff was terminated on August 7, 2019 for those accusations when Defendant had no proof anything happened;
 - h. Feeney who also made inappropriate comments to Plaintiff, was not terminated;
 - i. Additionally, on August 4, 2019, Plaintiff’s co-worker, Eric Retcher interrupted a

conversation Plaintiff was having with Plaintiff's contract supervisor and said he (Plaintiff's) a masturbator.

8. Plaintiff alleges for the above stated reason, that he has been sexually harassed and discriminated against based on his sex (male) all in violation of Title VII as stated above.
9. Plaintiff as a result of the above described conduct has suffered loss of job, job wages, benefits, mental anguish, embarrassment, humiliation, anxiety and other damages and injuries yet to be determined.

WHEREFORE, Plaintiff seeks compensatory damages and punitive damages, and reasonable attorney's fee, and for all other just and proper relief.

Respectfully submitted,

/s/ Samuel L. Bolinger
Samuel L. Bolinger, #10786-98
803 S. Calhoun St., Ste. 300
Fort Wayne, IN 46802
Tel: 260.407.0040
Fax: 260.407.0039
Email: mark@slblawfirm.org
Counsel for Plaintiff

CHARGE OF DISCRIMINATION

Allen Superior Court

Charge Presented To:

Agency(ies) Charge No(s):

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.



FEPA



EEOC

EC-0105-A19

24D-2019-00383

City of Fort Wayne Metro Human Relations Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Steve M. Ellert

Home Phone (Incl. Area Code)

(260) 433-6555

Date of Birth

1970

Street Address

City, State and ZIP Code

5128 Green Rd., New Haven, IN 46774

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

GENERAL MOTORS

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(219) 673-2345

Street Address

City, State and ZIP Code

12200 Lafayette Center Road, Roanoke, IN 46783

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

07-01-2019

08-07-2019



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION



CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am a qualified individual who worked for General Motors ("GM") as an Operator from March 1999 until I was terminated on August 7, 2019. GM established a zero tolerance policy in January 2019. My Team Leader, Dawn Feeney ("Feeney") has called me "horse crack" and said I look like I am pregnant with a beer belly. This has occurred multiple times, with the most recent incident occurring in July of 2019. I complained about these comments, and Feeney was never disciplined or terminated for these comments.

On August 4, 2019, I showed my co-worker pictures of my children and family. I was then accused of making statements about my son masturbating, and showing inappropriate pictures. I was terminated on August 7, 2019, for these accusations, when GM had no proof anything happened. Feeney, who also made inappropriate comments to me, was not terminated. Additionally, On August 4, 2019, my co-worker, Eric Retcher ("Retcher") interrupted a conversation I was having with my

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Sep 27, 2019

Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EXHIBIT A

Charge Presented To: Agency(ies) Charge No(s):

 FEPA
 EEOCEC-0105-A19
24D-2019-00383**CHARGE OF DISCRIMINATION**

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City of Fort Wayne Metro Human Relations Commission

State or local Agency, if any

and EEOC

contract supervisor, and said "he's a masturbator."

For these reasons, I believe I have been sexually harassed, and discriminated based on my sex, male, in violation of the Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

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I declare under penalty of perjury that the above is true and correct.

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